

DOCKET NO.: RUBC-0025



GAU 16.38
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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Martin, et al.

Confirmation No.: 4826

Serial No.: 09/763,331

Group Art Unit: 1638

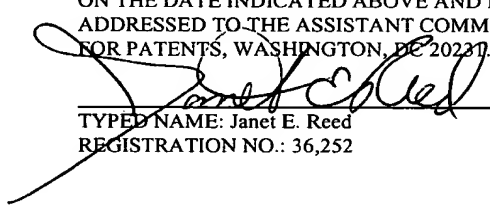
Filing Date: May 30, 2001

Examiner: E.F. McElwain

For: Synthetic Fatty Acid Desaturase Gene for Expression in Plants

DATE OF DEPOSIT: October 30, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
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ADDRESSED TO THE ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, DC 20231.


TYPED NAME: Janet E. Reed
REGISTRATION NO.: 36,252

Box ☒ NON-FEE

☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated September 30, 2002.
- ☐ An Amendment Supplemental to the Paper filed _____.
- ☐ Other: _____.

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____.
- ☐ Other Material as follows: _____.

FEE CALCULATION

☒ No Additional Fee is Due.

| | | | | SMALL ENTITY | | NOT SMALL ENTITY | |
|--|---------------------------------|---------------------|-------|--------------|---------|------------------|-------|
| | REMAINING AFTER AMENDMENT | HIGHEST PAID FOR | EXTRA | RATE | FEE | RATE | FEE |
| TOTAL CLAIMS | 20 | 21 (20 MINIMUM) | 0 | \$9 EACH | \$0 | \$18 EACH | \$ |
| INDEP. CLAIMS | 2 | 3 (3 MINIMUM) | 0 | \$42 EACH | \$0 | \$84 EACH | \$ |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT | | | | \$140 | \$0 | \$280 | \$ |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME | | | | \$55 | \$0 | \$110 | \$ |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME | | | | \$200 | \$0 | \$400 | \$ |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME | | | | \$460 | \$0 | \$920 | \$ |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME | | | | \$720 | \$0 | \$1440 | \$ |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME | | | | \$980 | \$0 | \$1960 | \$ |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID | | | | minus | (\$ 0) | minus | (\$) |
| <input type="checkbox"/> TERMINAL DISCLAIMER | | | | \$55 | \$0 | \$110 | \$ |
| <input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS: | | | | | \$0 | | |
| TOTAL FEE DUE | | | | | \$0 | | \$ |

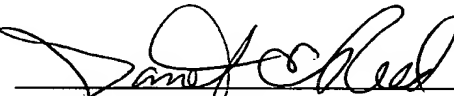
- ☐ A check is enclosed in the foregoing amount due.
- ☐ Petition is hereby made under 37 C.F.R. 1.136(a) (fees: 37 C.F.R. § 1.17(a)(1)-(4) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit

Account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: October 30, 2002



Janet E. Reed, Ph.D.

Registration No. 36,252

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Charles Martin and Andrew Mitchell

Serial No.: 09/763,331

Group Art Unit: 1638

Filed: May 30, 2001

Examiner: E.F. McElwain

For: **Synthetic Fatty Acid Desaturase Gene for Expression in Plants**

I, Janet E. Reed, Registration No. 36,252 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On October 30, 2002

Registration No: 36,252

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to a Restriction Requirement under 35 U.S.C. §§ 121 and 372, issued September 30, 2002 in connection with the above-identified patent application, please amend the claims as follows:

Cancel claim 21.